**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.8529 OF 2004**

Bhimrao Shamrao Patil and ors. ... Petitioners

v/s

Dinkar Tukaram Patil and ors. ... Respondents

Mr N.D. Hombalkar for Petitioners.

Mr K.V. Saste for Respondent Nos.1-A, 1-B, 1-D and 2.

**CORAM : D.K. DESHMUKH J.**

**DATE : 20TH JULY 2005.**

**P.C.** :-

1. By the order impugned, the Appeal Court has refused to grant stay of the execution of the decree which is passed by the Trial Court. The decree passed by the Trial Court is in two parts. By the first part, the present petitioners, who were defendants are restrained from disturbing possession of the suit land of the plaintiffs and by second part, the plaintiffs have been held entitled to withdraw the money from the Co-operative Sugar Factory. Now, so far as the first part of the decree is concerned, it is a perpetual injunction for protecting the possession of the plaintiffs granted by the Trial Court after recording a finding that the plaintiffs are in possession. In my opinion, no fault can be found with the order of the appeal Court declining to grant stay of the decree. So far as the second part of the decree is concerned, it is in the nature of money decree. Therefore, there is no question of staying execution of the money decree. Taking overall view of the matter therefore, in my opinion, the order impugned cannot be disturbed.

Petition is rejected.

. Parties to act on the copy of this order duly

authenticated by the Sheristedar / Personal Secretary of this Court as true copy.

. Certified copy expedited.

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